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C O R R E C T E D C O P Y - CAPTION ADDED

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SUBJECT: POST-PARLIAMENTARY STEPS FOR FTA LEGISLATION

REF: RABAT 2398 AND PREVIOUS

Classified By: Deputy Chief of Mission Wayne J. Bush, for reasons 1.4 b  
and d

- ¶1. (C) Two pieces of FTA-related Copyright and Patent/Trademark legislation are currently moving through Moroccan parliament (Ref A). According to the Ministries of Foreign Affairs, Communications and Commerce and Industry, both pieces of legislation should be approved by parliament by December 15 or 16. Under the Moroccan system of government, this is the final deliberative step in enacting the laws related to the implementation of the FTA.
- ¶2. (C) Once a bill is passed by parliament, it goes directly to the Secretariat General of the Government (SGG), who prepares a "dahir," or royal decree, which is then signed by a palace representative. The dahir is not/not necessarily physically signed by the King. Once the dahir is signed, legislation is published in the Official Gazette (Federal Register equivalent).
- ¶3. (C) The steps leading to the preparation of the dahir and publication in the Gazette are automatic and purely pro-forma; the King officially approves all legislation at a Council of Ministers meeting which takes place before bills are sent to parliament for consideration. At the Council of Ministers meeting, the King formally signs off on legislation in the presence of all government ministers, and if there is any objection on the part of the executive branch it is voiced at that time. The FTA legislation was approved by the King and his ministers on Nov. 23.
- ¶4. (C) Article 26 of the Constitution requires that laws be fully promulgated, including publication in the Official Gazette, within 30 days of parliamentary passage.
- ¶5. (C) There is no deliberative body which reviews this kind of legislation after parliamentary passage, and there is no mechanism for altering or blocking legislation of this type between parliament and publication in the Gazette. All activities are strictly administrative and mechanical in nature. A Constitutional Council does have the authority to review the constitutionality of organic laws, but its jurisdiction does not extend to the bills in question, which are amendments to existing laws. In addition, the SGG has already reviewed the constitutionality of the FTA-related bills before presentation to the King and his Council of Ministers in November.

¶6. (C) The Director of Legal and Treaty Affairs at the Ministry of Foreign Affairs said Dec. 2 that there has never been a piece of legislation that has been overturned or substantively modified after parliamentary approval. Minister of Relations with Parliament Saad El-Alami, the GOM minister in charge of executive branch coordination with the legislative body, told Post the same on Dec. 8, calling the palace seal and publication in the Gazette "a formality."  
Riley